

**Tentative Rulings for September 14, 2016**  
**Departments 402, 403, 501, 502, 503**

---

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).)

14CECG00191      *Leon v. County of Fresno et al.* (Dept. 403)

---

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

16CECG00160      *Genthner v. Liberty Mutual Fire Ins. Co., et al.* is continued to Thursday, September 22, 2016, at 3:30 p.m. in Dept. 503.

---

(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 402**

(29)

## **Tentative Ruling**

Re: ***James Stafford v. Andrew Maxwell, M.D.; et al.***  
Case No. 15CECG01536

Hearing Date: September 14, 2016 (Dept. 402)

Motion: Defendant Maxwell's unopposed motion for summary judgment

### **Tentative Ruling:**

To grant.

### **Explanation:**

A trial court shall grant summary judgment where there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc. §437c(c); *Schacter v. Citigroup* (2009) 47 Cal.4th 610, 618.) The moving party bears the initial burden of production to make a prima facie showing of the "nonexistence of any triable issue of material fact[.]" (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) "[A]ll a defendant needs to do is to show that the plaintiff cannot establish at least one element of the cause of action." (*Id.* at p. 853.) Where a defendant meets this initial burden, the burden of production then shifts to the plaintiff to make a prima facie showing of the existence of a triable issue of material fact, by producing admissible evidence. (Code Civ. Proc. §437(c)(p)(2); *Christina C. v. County of Orange* (2013) 220 Cal.App.4th 1371, 1379.) In reviewing a grant of summary judgment, an appellate court accepts as undisputed facts those portions of the moving party's evidence that are not contradicted by the opposing party's evidence. (*A-H Plating, Inc. v. American National Fire Ins. Co.* (1997) 57 Cal.App.4th 427; see Code Civ. Proc. §437c(c).)

When a defendant in a medical malpractice action moves for summary judgment and supports the motion with expert declarations that defendant's conduct fell within the community standard of care, the defendant is entitled to summary judgment unless the plaintiff comes forward with conflicting expert evidence. (*Powell v. Kleinman* (2007) 151 Cal.App.4th 112; *Hanson v. Grode* (1999) 76 Cal.App.4th 601, 607; *Munro v. Regents of University of California* (1989) 215 Cal.App.3d 977, 984-985; see Code Civ. Proc. § 437c(c).)

However, summary judgment should not be granted merely because defendant provides an unopposed expert declaration, where such declaration is conclusory, i.e., simply states the opinion that no malpractice has occurred, and does not set forth the basis on which the opinion is based. (*Powell, supra*, 151 Cal.App.4th at p. 123.) Such an opinion does not establish the absence of a material fact issue for trial as is required for summary judgment. (*Id.* at p. 124.)

In the case at bar, Defendant has met his initial burden. Dr. Saltz's declaration sets forth the basis on which his opinion is based, reflects a sufficient analysis of the course of treatment received by Plaintiff from Defendant, and concludes that no act or omission on Defendant's part caused or contributed to Plaintiff's alleged injuries. Defendant's burden having been met, the burden shifts to Plaintiff to make a prima facie showing of the existence of a triable issue of material fact. No opposition has been filed; Plaintiff has thus failed to meet his burden. Accordingly, Defendant's motion is granted.

Pursuant to California Rules of Court, rule 3.1312, subdivision (a) and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

**Issued By:**     JYH     **on** 09/13/16  
                    (Judge's initials)      (Date)

# **Tentative Rulings for Department 403**

(5)

## **Tentative Ruling**

Re: ***Pace et al. v. Norton et al.***  
Superior Court Case No. 15 CECG 02212

Hearing Date: September 14, 2016 **(Dept. 403)**

Motion: Relief from Settlement

### **Tentative Ruling:**

To grant the motion. The Clerk's Office is ordered to restore the case to the active civil list. A trial setting conference is set for Tuesday, September 27, 2016 at 3:30 pm.

### **Explanation:**

### **Background**

Plaintiffs Milton Pace and H&B Holdings, LTD. along with Defendants Gary Norton and St. Jon Real Estate are members of nominal Defendant Sustainable Ag Farming Enterprises, LLC aka S.A.F.E. S.A.F.E. owns the "Gilkey Ranch" consisting of 940 acres of farm land in Fresno County. Plaintiff L&P Farms provides farming services to S.A.F.E. A dispute arose between Pace and Norton over the management of the Ranch.

On July 15, 2015, a complaint was filed seeking inter alia involuntary dissolution of S.A.F.E. A First Amended Complaint was filed. In ruling on the demurrer to the First Amended Complaint, the Court struck the pleading sua sponte with leave to amend. On February 16, 2016, a Second Amended Complaint was filed.

On March 30, 2016, Plaintiffs filed a notice of conditional settlement. The trial date of April 18, 2016 was vacated as a result. On August 16, 2016, Plaintiffs filed a motion seeking relief from settlement. Defendant Norton filed a statement of non-opposition. The other Defendants have filed no opposition.

### **Merits**

A settlement may be set aside under CCP § 473 where special circumstances exist rendering its enforcement unjust: e.g., where the agreement was entered into through excusable mistake or neglect as to essential facts, or "surprise" results from a *change in the underlying conditions* that could not have been anticipated. [*Roth v. Morton's Chef Services, Inc.* (1985) 173 CA3d 380, 387, 218 CR 684, 688—"stark surprise" justified setting aside settlement based on appraisal of equipment, where appraiser

used a questionable method of appraisal, resulting in seven-fold increase in cost to plaintiff]

In the instant case, on March 28, 2016, the parties engaged in mediation with retired Judge Howard Broadman. An agreement was reached whereby Plaintiff Pace would purchase Norton's shares of S.A.F.E. for \$4 million. However, the parties later realized that the operating agreement of S.A.F.E. required the consent of all members for any sale of shares. Dr. Wiley Elick, owner of St. Jon Real Estate, LLC would not consent to the sale. See Declaration of Pascuzzi at ¶¶ 2-4 and Exhibit A attached thereto consisting of the Settlement Agreement. Counsel for Pace and Norton engaged in further efforts to obtain the consent of Dr. Wiley Elick but were unsuccessful. See Declaration of Pascuzzi at ¶¶ 5-7.

The conditions for relief; i.e., mistake, inadvertence, surprise, or excusable neglect have been met pursuant to CCP § 473. See *Roth v. Morton's Chef Services, Inc.*, *supra*. The motion will be granted.

Pursuant to California Rules of Court, Rule 391(a) and Code of Civil Procedure § 1019.5, subd. (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

## Tentative Ruling

Issued By: KCK on 09/12/16  
(Judge's initials) (Date)

# **Tentative Rulings for Department 501**

03

## **Tentative Ruling**

Re: ***Nannini v. Arbor Faire Senior Apartments***  
Case No. 15 CE CG 01104

Hearing Date: September 14<sup>th</sup>, 2016 (Dept. 501)

Motion: Defendant GSF Properties' Demurrer and Motion to Strike  
Portions of the Second Amended Complaint

### **Tentative Ruling:**

To take the demurrer and motion to strike off calendar, and order the parties to meet and confer on the issues raised therein. (Code Civ. Proc. § 430.41, subd. (a).) If the parties are unable to resolve their disputes after good faith efforts to meet and confer, defendant may refile its demurrer and motion to strike.

### **Explanation:**

Under section 430.41, "Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer." (Code Civ. Proc., § 430.41, subd. (a).)

Also, "As part of the meet and confer process, the demurring party shall identify all of the specific causes of action that it believes are subject to demurrer and identify with legal support the basis of the deficiencies. The party who filed the complaint, cross-complaint, or answer shall provide legal support for its position that the pleading is legally sufficient or, in the alternative, how the complaint, cross-complaint, or answer could be amended to cure any legal insufficiency." (Code Civ. Proc. § 430.41, subd. (a)(1).)

In addition, "If the parties are not able to meet and confer at least five days prior to the date the responsive pleading is due, the demurring party shall be granted an automatic 30-day extension of time within which to file a responsive pleading, by filing and serving, on or before the date on which a demurrer would be due, a declaration stating under penalty of perjury that a good faith attempt to meet and confer was made and explaining the reasons why the parties could not meet and confer." (Code Civ. Proc., § 430.41, subd. (a)(2).)

Furthermore, "The demurring party shall file and serve with the demurrer a declaration stating either of the following: (A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.” (Code Civ. Proc., § 430.41, subd. (a)(3)(A), (B).)

On the other hand, “Any determination by the court that the meet and confer process was insufficient shall not be grounds to overrule or sustain a demurrer.” (Code Civ. Proc., § 430.41, subd. (a)(4).)

Here, defense counsel states in his declaration that he attempted to meet and confer by calling plaintiff's counsel on July 19<sup>th</sup>, 2016. (Benton decl., ¶ 3.) However, plaintiff's counsel did not answer, and defense counsel left a message “advising of the purpose of my call and requesting that he call me back.” (*Ibid.*) Plaintiff's counsel did not call back, so defense counsel felt he had no choice but to file his demurrer. (*Id.* at ¶ 4.)

Thus, although it does appear that defense counsel attempted to meet and confer before filing the demurrer, there is no indication that he left a message with any discussion of the reasons why he wanted to demur, or the legal support for his proposed demurrer. Plaintiff's counsel claims that he was unable to return defense counsel's call because he was busy in trial on another case, and that in any event defense counsel did not attempt to explain the basis for his demurrer or any specifics regarding the proposed demurrer. Therefore, it does not appear that defense counsel complied with section 430.41, subd. (a)(1)'s requirement that he identify the causes of action to which he proposed to demur, or the legal authorities that support his position, and therefore defense counsel did not comply with the meet and confer requirement.

Also, while defense counsel claims that plaintiff's counsel's failure to return his call forced him to file his demurrer without further meeting and conferring, defense counsel could have obtained a 30-day continuance of the time to file his responsive pleading by filing a declaration regarding the problems he was having with the meet and confer process. (Code Civ. Proc. § 430.41, subd. (a)(2).) Alternatively, he could have made another attempt to contact plaintiff's counsel before filing the demurrer. It does not appear that he satisfied the meet and confer requirement by leaving one phone message that contained no specifics about the basis for the proposed demurrer.

While section 430.41, subd. (a)(4) does not permit the court to overrule the demurrer simply for failure to meet and confer, the court will nevertheless take the demurrer off calendar and order the parties to meet and confer in person or by phone before it may be refiled. If the parties are unable to resolve the disputes regarding the second amended complaint after making good faith efforts to meet and confer, then defendant can refile the demurrer.

Also, while there is no requirement to meet and confer before bringing a motion to strike, it would not make sense to rule on the merits of the motion to strike without also ruling on the demurrer at the same time. Therefore, the court also intends to take the motion to strike off calendar, and allow the defendant to refile it if the parties are unable to resolve their dispute during the meet and confer process.

Issued By: MWS on 09/13/16  
(Judge's initials) (Date)



(17)

**Tentative Ruling**

Re: ***Security National Insurance Company v. Mia Bella Foods, LLC***  
Court Case No. 16 CECG 00274

Hearing Date: September 14, 2016 (Dept. 501)

Motion: Plaintiff's Motion for Judgment on the Pleadings to Answer of Mia Bella Foods, LLC and Valley Protein, LLC

**Tentative Ruling:**

To deny.

**Explanation:**

A plaintiff may move for judgment on the pleadings on the ground that "the complaint states facts sufficient to constitute a cause or causes of action against the defendant and the answer does not state facts sufficient to constitute a defense to the complaint." (Code Civ. Proc., § 438, subd. (c)(1)(A).) "The grounds for motion provided . . . shall appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice." (Code Civ. Proc., § 438, subd. (d).)

A motion for judgment on the pleadings performs the same functions as a general demurrer. (*Barker v. Hull* (1987) 191 Cal.App.3d 221, 224.) However, it is not a demurrer. Plaintiff attacks affirmative defenses two through twenty as though it were demurring to them. This is insufficient on a motion for judgment on the pleadings. If an answer sets up a potential defense to the petition, the motion for judgment on the pleadings must fail. "A plaintiff may recover judgment on a motion for judgment on the pleadings only if his complaint states facts sufficient to constitute a cause of action and the answer neither raises a material issue nor states a defense. [Citation.]" (*Barasch v. Epstein* (1957) 147 Cal.App.2d 439, 440.)

Plaintiff argues that because defendants' answer fails to plead any facts in support of the alleged affirmative defenses, it fails to provide a defense against the claims made in plaintiff's complaint. Thus, plaintiff contends judgment must be entered in its favor.

However, the defendants have also made a general denial:

Pursuant to Code of Civil Procedure § 431.30(b), Defendants specifically and generally deny each and every allegation contained in the complaint. Defendants further deny, generally and specifically that Plaintiff has incurred any injury or damages whatsoever as a result of Defendants' alleged conduct.

By bringing a motion for judgment on the pleadings, "[t]he moving party admits the untruth of his own allegations *insofar as they have been controverted*, and all such averments must be disregarded whether there is a direct and specific denial or an indirect denial by virtue of affirmative allegations of a contrary state of facts. [Citations.] (*Barasch v. Epstein, supra*, 147 Cal.App.2d at p. 443 (emphasis added).) "The motion must be denied if the answer *raises a material issue* or sets up affirmative matter constituting a defense." (*Id.* at p. 442 (emphasis added); see *Patterson v. Pacific Indemnity Co.* (1931) 119 Cal.App. 203, 206, ["A plaintiff is not entitled to judgment on the pleadings if affirmative matter constituting any legal defense is presented by the answer"].)

An answer may contain a “general ... denial of the material allegations of the complaint controverted by the defendant.” (Code Civ. Proc., § 431.30, subd. (b)(1).) The effect of a general denial is to “put in issue the material allegations of the complaint.” (*FPI Development, Inc. v. Nakashima* (1991) 231 Cal.App.3d 367, 383.) Code of Civil Procedure section 431.10, subdivision (a) defines a “material allegation in a pleading” as “one essential to the claim or defense and which could not be stricken from the pleading without leaving it insufficient as to that claim or defense.” Accordingly, the answer “raises a material issue” and the motion must be denied. (*Barasch v. Epstein, supra*, 147 Cal.App.2d at pp. 440, 442.)

It is true that defendants' affirmative defenses are inadequately pled and would not withstand a general demurrer. The general rule is that the same pleading of "ultimate facts" rather than evidentiary matter or legal conclusions is required in pleading an answer as in pleading a complaint. The affirmative defenses in an answer must aver facts "as carefully and in as much detail as the facts which constitute the cause of action and which are alleged in the complaint." Conclusions of law are not sufficient to state a valid affirmative defense, and will not withstand a general demurrer. (*FPI Development, Inc. v. Nakashima, supra*, 231 Cal.App.3d at p. 384.) Here, the affirmative defenses are legal conclusions devoid of facts. Nevertheless, this does not undercut the fact that each material fact in the complaint has been denied and put at issue by the general denial and plaintiff is not entitled to judgment.

Pursuant to California Rules of Court, rule 3.1312(a) and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

## Tentative Ruling

Issued By: MWS on 09/13/16  
(Judge's initials) (Date)

# **Tentative Rulings for Department 502**

(24)

## **Tentative Ruling**

Re: ***Walker v. Chahal***  
Court Case No. 15CECG03227

Hearing Date: September 14, 2016 **(Dept. 502)**

Motion: 1) Petition to Compromise Disputed Claim of Minor Kaliah Walker in Pending Action  
2) Petition to Compromise Disputed Claim of Minor Alexis Abarca in Pending Action

### **Tentative Ruling:**

To grant, except the court will require the \$5,000 which will be reserved from each minor's award to be deposited in blocked accounts rather than accounts under the California Uniform Transfers to Minors Act ("CUTMA"), as the court believes this is in the best interest of the minors. In the event oral argument is requested the minors are excused from appearing. Counsel is directed to provide new orders in keeping with this decision.

### **Explanation:**

Pursuant to California Rules of Court, Rule 3.1312 and Code of Civil Procedure section 1019.5, subd. (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

### **Tentative Ruling**

Issued By: DSB on 09/13/16  
(Judge's initials) (Date)

# **Tentative Rulings for Department 503**

(20)

## **Tentative Ruling**

Re: ***Blackstone-Nees Partners v. Sandhu et al.***, Superior Court  
Case No. 16CECG00830

Hearing Date: **September 14, 2016 (Dept. 503)**

Motion: Defendants' Motion to Strike and Set Aside Default

### **Tentative Ruling:**

To deny unless defendants request oral argument and appear at the hearing with an attorney affidavit of fault. (Code Civ. Proc. § 473(b).)

### **Explanation:**

As the court already held on August 16, 2016, the Request for Entry of Default form clearly requests entry of defendants' default, and will not be stricken on the ground that it is not clear what is being requested.

Defendants also request that the default be set aside pursuant to Code of Civil Procedure section 473, subdivision (b).

"The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc. § 473(b).) Relief can be based either on:

- An 'attorney affidavit of fault', in which event, relief is mandatory; or
- Declarations or other evidence showing 'mistake, inadvertence, surprise or 'excusable neglect,' in which event relief is discretionary.

Where an "attorney affidavit of fault" is filed, there is no requirement that the attorney's mistake, inadvertence, etc. be excusable. Relief must be granted even where the default resulted from inexcusable neglect by defendant's attorney. (*Standard Microsystems Corp. v. Winbond Electronics Corp.* (2009) 179 Cal.App.4th 868, 897.)

Defendants' counsel did not file an attorney affidavit of fault. "Absent a straightforward admission of fault ... [defendant] cannot obtain relief under the mandatory provision of section 473." (*State Farm Fire & Cas. Co. v. Pietak* (2001) 90 Cal.App.4th 600, 609-610.) There is no clear admission of fault in counsel's declaration.

Accordingly, it is defendants' burden to demonstrate that due to some mistake, either of fact or of law, of himself or of his counsel, or through some inadvertence,

surprise or neglect which may properly be considered excusable. (*Hopkins & Carley v. Gens* (2011) 200 Cal.App.4th 1401, 1410.) The motion appears to argue excusable neglect, which is defined as that neglect which might have been the act of a reasonably prudent person under the same circumstances. (*Baratti v. Baralti* (1952) 109 Cal.App.2d 917.)

Mr. Pinion states in his declaration that he was "under the impression that settlement negotiations had suspended the need for filing any responsive pleadings and as a result my office made a mistake about calendaring when a response was due." (Pinion Dec. ¶ 8.) This claim is not supported by the evidence. Plaintiffs' counsel's May 26, 2016 letter, which Mr. Pinion references but does not attach or include in the moving papers, explicitly states that unless a settlement was reached by June 2, default would be requested first thing on June 3. (Pimentel Dec. Exh. A.) Mr. Pinion did not make a settlement offer by June 2, or request an extension of time to respond. (Pimentel Dec. ¶¶ 9, 10.)

It is not the purpose of remedial statutes to grant relief from defaults that result from inexcusable neglect of parties or their attorneys in performing obligations to their clients. (*Tammen v. County of San Diego* (1967) 66 Cal.2d 468, 478.) Thus, unless counsel chooses to present to the court an affidavit of fault, the motion will be denied.

Pursuant to Cal. Rules of Court, Rule 3.1312(a) and Code Civ. Proc. § 1019.5(a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

**Issued By:** A.M. Simpson on 09/13/16  
(Judge's initials) (Date)

(28)

**Tentative Ruling**

Re: ***In re: Insurance Claim of Stewart***

Case No. 16CECG01880

Hearing Date: September 14, 2016, (Dept. 503)

Motion: By Plaintiff to compel response to subpoena by third party MetroPCS.

**Tentative Ruling:**

To continue the hearing on the motion to compel.

The Court will schedule an Order to Show Cause re: dismissal because of lack of subject matter jurisdiction is scheduled for October 5, 2016 at 3:30 p.m. in Department 503. The hearing on the motion to compel is continued to the October 5, 2016 date and time.

Any papers addressing the Order to Show Cause or any issues raised below with respect to the motion to compel must be filed and served on or before September 28, 2016.

**Explanation:**

Before considering the motion, the Court must determine whether the Court has jurisdiction to hear this matter. The Complaint or Petition lists in the caption that it is between Plaintiff and the claimants, but the substance of it is to merely seek a case number for purposes of a subpoena. Plaintiff is correct that, in certain circumstances, subpoenas may be issued. But the statutes cited are not applicable here. Code of Civil Procedure §2035.010, *et seq.* sets out a procedure to be followed to secure discoverable information, but that is not the procedure followed here. Likewise, the subpoena power is available for an uninsured motorist claim, but that has not been alleged either. (Ins. Code §11580.2, subd.(f).) There appears to be no statutory basis for the petition on file here. Moreover, there is nothing that indicates that there is even a dispute: as far as can be determined, the claimants are merely seeking their insurance proceeds. To invoke a court's jurisdiction, there must be presented to the court "a genuine and existing controversy, calling for present adjudication as involving present rights." (*Housing Group v. United Nat'l Ins. Co.* (2001) 90 Cal.App.4th 1106, 1111.)

Therefore, the Court continues the present motion and set a hearing for both the motion and an OSC re: dismissal for lack of subject matter jurisdiction for October 5, 2016 at 3:30 p.m. in Department 503.

The Court also notes that there is no proof of service, as such, with respect to the subpoena at issue. There is a declaration that the subpoena and the notice to consumer were sent via facsimile, but there is nothing in the supporting documents to indicate that such service was acceptable by the parties. In short, it appears that the subpoena was not personally served as required by CCP §2020.220.

Finally, the Court observes that there appears to be nothing in the papers establishing why the information sought from the third party is relevant to the claims by Plaintiff's insureds. Plaintiff should address all of these concerns at the next hearing. Any papers addressing the Order to Show Cause or any issues with the motion to compel must be filed and served on or before September 28, 2016.

Pursuant to California Rules of Court, rule 3.1312, subdivision (a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

**Issued By:** A.M. Simpson **on** 09/13/16  
(Judge's initials) (Date)

(20)

**Tentative Ruling**

Re: ***Madrigal v. Estrada et al.***, Superior Court Case No.  
16CECG00790

Hearing Date: **September 14, 2016 (Dept. 503)**

Motion: Unopposed Demurrer to Cross-Complaint

**Tentative Ruling:**

To sustain the demurrer to the cross-complaint without leave to amend. (Code Civ. Proc. § 430.10(a).)

**Explanation:**

A cross-defendant may demur on the ground that the court has no jurisdiction of the subject of the cause of action alleged in the pleading. (Code Civ. Proc. § 430.10(a).)

The cross-complaint alleges causes of action for breach of contract and fraud based on alleged breach of a stipulation incorporated into the 9/19/02 Madera Superior Court judgment of the parties' marriage dissolution. As such, the Madera Superior Court family law department that issued the judgment has jurisdiction of the claims asserted in the cross-complaint. (See Family Code §§ 2010(d), (e), 2337(f); *Neal v. Superior Court* (2001) 90 Cal.App.4th 22, 26.)

Any request for sanctions pursuant to Family Code section 271 should be directed to the Madera Superior Court.

Pursuant to Cal. Rules of Court, Rule 3.1312(a) and Code Civ. Proc. § 1019.5(a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

**Issued By:** A.M. Simpson **on** 09/13/16  
(Judge's initials) (Date)